IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14220 of 2005
Date of Decision: 7.05.2007

Satyapal Singh and others

..... Petitioners

Versus

Central Administrative Tribunal and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE L.N.MITTAL

Present: Mr.J.P.Sharma, Advocate
for Mr. Sanjiv Pandit, Advocate
for the petitioners.

Mr.Aman Chaudhary, Central Govt.Counsel
for respondents No. 2 and 3.

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J.S.Khehar, J.(Oral)

Through the instant petition the petitioners have impugned the order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh(hereinafter referred to as 'the Tribunal)in original application No.557-HR of 2004 decided on 27.7.2004.

A perusal of the impugned order reveals that the Administrative Tribunal by this order dated 27.7.2004 declined to entertain the controversy raised by the petitioners before it on account of being hopelessly barred by

time under the provisions of Section 21 of the Administrative Tribunal Act, 1985.

The sequence of facts which emerge from the impugned order coupled with the averments made in the pleadings of the instant case reveal that the services of the petitioners were dispensed with in the year 1996. Dissatisfied with the action of the respondents, the petitioners raised their dispute before the Industrial Tribunal. The aforesaid dispute was referred for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, New Delhi, on 7.9.98. The petitioners withdrew their claim before the Labour Court whereupon an award dated 2.5.2002 was passed by the Labour Court allowing the petitioners liberty to approach an appropriate forum.

Having withdrawn their claim before the Labour Court, the petitioners filed original application No. 142 of 2003 before the Central Administrative Tribunal, Principal Bench, New Delhi on 15.1.2003. Along with the aforesaid application, the petitioners moved a Civil Misc. Application seeking condonation of delay. Since the Central Administrative Tribunal, Principal Bench, New Delhi did not have the territorial jurisdiction to entertain the claim of the petitioners, the said original application No. 142 of 2003 was returned to the petitioners on 15.9.2003 whereupon the petitioners approached the Central Administrative Tribunal, Chandigarh Bench by filing application No. 557-HR of 2004. The aforesaid application, as already noticed herein above, was dismissed vide impugned order dated 27.7.2004 as being barred by limitation.

We have again considered the controversy raised by the

petitioners in the totality of the circumstances noticed herein above. We are, however, of the view that the petitioners were guilty of delay on almost all occasions. After the award of the Labour Court dated 2.5.2002, the petitioners filed original application No. 142 of 2003 before the Central Administrative Tribunal, Principal Bench, New Delhi only on 15.1.2003 i.e. after a delay of more than eight months. After the return of the original application filed by the petitioners before the Principal Bench on 15.9.2003, they approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh only on 29.6.2004 i.e. after a delay of more than nine months. One has to keep in mind, that in sum and substance, the petitioners are seeking to challenge the orders of their termination passed as far back as in the year 1996. In view of the facts and circumstances noticed herein above, it is not possible for us to find any fault with the impugned order dated 27.7.2004 on account of various unexplained delays at the hands of the petitioners in approaching the Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

For the reasons recorded herein above, we find no merit in this petition and the same is accordingly dismissed.

(J.S.KHEHAR)
JUDGE

(L.N.MITTAL)
JUDGE

May 07, 2007
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